United Nations A/HRC/RES/37/21

General Assembly

Distr.: General
13 April 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 23 March 2018

37/21. Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Reaffirming Human Rights Council resolutions 34/13 of 24 March 2017 and 36/10 of 28 September 2017 and General Assembly resolution 72/168 of 19 December 2017,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which all States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures that impede the full achievement of economic and social development, particularly in developing countries,

Taking note of the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial Human Rights Council panel discussion on unilateral coercive measures and human rights,[1]

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its grave concern at the negative impact of unilateral coercive measures on human rights, the right to development, international relations, trade, investment and cooperation,

Reaffirming that no State may use or encourage the use of any type of measure, including but not limited to economic or political measures, to coerce another State in order

[1] A/HRC/37/31.

to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Reaffirming also, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recognizing that unilateral coercive measures in the form of economic sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Alarmed by the fact that most current unilateral coercive measures have been imposed, at great cost in terms of the human rights of the poorest and of persons in vulnerable situations, on developing countries by developed countries,

Underlining that under no circumstances should people be deprived of their basic means of survival,

Recognizing that long-term unilateral coercive measures may result in social problems and raise humanitarian concerns in the States targeted,

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

Expressing its grave concern that the laws and regulations imposing unilateral coercive measures have, in some instances, an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law, in a manner that will coerce the latter also to apply the unilateral coercive measures,

Welcoming the final document and declaration adopted at the seventeenth summit of Heads of State and Government of the Movement of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

Reaffirming that each State has full sovereignty over the totality of its wealth, natural resources and economic activity, exercising it freely, in accordance with General Assembly resolution 1803 (XVII) of 14 December 1962,

Recalling that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing,

Alarmed by the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which establishes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Reaffirming also that unilateral coercive measures are major obstacles to the implementation of the Declaration on the Right to Development,

Concerned that unilateral coercive measures have prevented humanitarian organizations from making financial transfers to States where they work,

Underlining that, in each situation worldwide, unilateral coercive measures have a negative impact on human rights,

Underlining also the necessity of examining the wide range of impact of unilateral coercive measures on international humanitarian and human rights law, and on the economy, peace, security and social fabric of States,

Highlighting the need to monitor human rights violations associated with unilateral coercive measures and to promote accountability,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his duties in accordance with those resolutions and the annexes thereto,

Recalling also article 1 (2) common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Urges* all States to refrain from imposing unilateral coercive measures, also urges the removal of such measures, as they are contrary to the Charter and norms and principles governing peaceful relations among States at all levels, and recalls that such measures prevent the full realization of economic and social development of nations while also affecting the full realization of human rights;

3. *Urges* States to resolve their differences through dialogue and peaceful relations, and to avoid the use of economic, political or other measures to coerce another State with regard to the exercise of its sovereign rights;

4. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

5. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

6. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights or peremptory norms and other provisions of customary law, and entails adverse consequences for the enjoyment of human rights by innocent people;

7. *Also expresses its grave concern* that, in some countries, the socioeconomic conditions of family members, particularly women and children, are adversely affected by unilateral coercive measures, imposed and maintained contrary to international law and the Charter, that create obstacles to trade relations among States, restrict movement through various means of transport, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

8. *Reiterates* its call upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from relevant provisions of the international law and human rights instruments to which they are a party by putting an immediate end to such measures;

9. *Reaffirms* in this context the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

10. *Also reaffirms*, as enshrined in the Charter, its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State;

11. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

12. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

13. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development, and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

14. *Rejects* all attempts to introduce unilateral coercive measures, and the increasing trend in this direction, including through the enactment of laws with extraterritorial application;

15. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

16. *Stresses* the need for an independent mechanism of the United Nations human rights machinery for the victims of unilateral coercive measure to address the issues of remedies and redress, with a view to promoting accountability and reparations;

17. *Urges* all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling his mandate;

18. *Recognizes* the importance of the quantitative and qualitative documentation of the negative impact associated with the application of unilateral coercive measures in the context of ensuring the accountability of those responsible for human rights violations resulting from the application of unilateral coercive measures against any State;

19. *Acknowledges* the need to ensure that all relevant United Nations human rights treaty bodies and subsidiary organs of the Human Rights Council mainstream the issue of the negative impact of unilateral coercive measures on the enjoyment of human rights and perform specific activities, such as during the review of periodic reports submitted by States to such bodies and under the universal periodic review;

20. *Decides* to give due consideration to the issue of the negative impact of unilateral coercive measures on human rights in its task concerning the implementation of the right to development;

21. *Welcomes* the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights;[2]

22. *Requests* the Special Rapporteur to identify and propose concrete measures to ensure the removal of unilateral coercive measures affecting the enjoyment of human rights of victims, and to focus on the resources and compensation necessary to promote accountability and reparations for victims in his next reports to the Human Rights Council and to the General Assembly;

23. *Also requests* the Special Rapporteur, taking into account the views of Member States, to identify a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights, and to submit those elements to the Human Rights Council in his next report;

24. *Recognizes* the importance of the role of the Office of the United Nations High Commissioner in addressing the challenges arising from unilateral coercive measures and their negative impact on the human rights of peoples and individuals who wish to realize their economic and social rights, including the right to development;

25. *Requests* the High Commissioner, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report;

26. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his tasks, and to provide all necessary information requested by him;

27. *Urges* the High Commissioner, relevant special procedures of the Human Rights Council and the treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose rights have been violated as the result of unilateral coercive measures;

28. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

29. *Decides* to continue its consideration of the issue of the negative impact of unilateral coercive measures on human rights in accordance with its programme of work.

54th meeting
23 March 2018

[Adopted by a recorded vote of 28 to 15, with 3 abstentions. The voting was as follows:

In favour:

Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia,

[2] A/HRC/36/44.

Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Afghanistan, Brazil, Mexico]